## . . . . . No. 2085 SENATE . . . [LOCAL APPROVAL RECEIVED.]

The Com	monwealth of Alassachusetts ————
	PRESENTED BY:
	Bruce E. Tarr
To the Honorable Senate and House of Reputer Court assembled:	resentatives of the Commonwealth of Massachusetts in General
The undersigned legislators and/or	citizens respectfully petition for the passage of the accompanying bill:
An Act providing for the abatemen	t of certain qualifying real estate from property taxes in the Town of Hamilton.

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	First Essex and Middlesex
Bradford R. Hill	4th Essex

## The Commonwealth of Alassachusetts

In the Year Two Thousand and Nine

An Act providing for the abatement of certain qualifying real estate from property taxes in the Town of Hamilton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. With respect to each qualifying parcel of real property classified as Class
  One, residential, and as established more specifically by the Town of Hamilton Board of
  Selectmen annually pursuant to Section 2, there shall be a cap on property taxes equal to 10% of
  the Total Annual Household Income, except that in no event shall property taxes be reduced by
  more than 50% of the tax due, including all tax abatements and exemptions, but excluding state
  "circuit breakers". Such exemption shall be applied only to the principal residence of a taxpayer
  as used by the taxpayer for income tax purposes.
- 8 SECTION 2. Real property shall qualify for the exemption set forth in Section 1 if all the 9 following criteria are met:
- 10 (a) The domicile of the qualifying real estate is owned and occupied by a person or
  11 family where the Total Annual Household Income may not exceed the following ranges: single
  12 applicant \$33,000 to \$49,499, married applicant filing jointly \$49,500 to \$74,250;

(b) the domicile of qualifying real estate is owned and occupied by at least one person having reached age 65 or 70 at the close of the prior tax year, as established annually by the Board of Selectmen for such fiscal year;

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- 16 (c) the domicile of qualifying real estate is owned and occupied by the applicant at least six months plus one day each year;
  - (d) the applicant has resided in the town of Hamilton for at least ten consecutive years prior to filing an application for the exemption; and
  - (e) the maximum assessed value of the applicant's primary residence is no greater than the median assessed value of a single family residence in the town of Hamilton plus 10%, as measured for the tax year immediately prior to the tax year for which the application for exemption is filed.
  - SECTION 3. This exemption shall be in addition to any exemption allowable under any General Law of the Commonwealth, except that there shall be a dollar cap of \$175,000 for all tax abatements, excluding circuit breakers. After the first year of enactment, the total cap of all real estate abatements, excluding circuit breakers, may be set annually by the Board of Selectmen within a range of \$175,000 to \$350,000.
  - SECTION 4. Persons who seek to qualify for this abatement must file with the Board of Assessors an application for abatement on a form to be adopted by the Board of Selectmen and available at the Assessor's Office with the supporting documentation as described in the application. The application must be filed by January 31 each year for which the applicant seeks computation of the abatement for the Fiscal Year commencing the following July 1.

SECTION 5. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

SECTION 6. For purposes of the exemption, "Total Annual Household Income" is the sum of the applicant's "Total Taxable 5.3% Income" on Massachusetts Form 1 and those same incomes for other income-producing members of the household. Such income will be increased by amounts that may have been excluded or subtracted from calculation, such as income from Social Security benefits, cash public assistance, tax-exempt interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on Schedule C and excluded income from any other source.

SECTION 7. Acceptance of this act by the Town of Hamilton shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot and, if necessary, by approval of the appropriate override. This act shall become effective on the thirtieth day following said affirmative vote.

SECTION 8. The acceptance of this act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation has been placed on the ballot by a two-thirds vote of then sitting members of the Board of Selectmen. Revocation of the act shall become effective on the thirtieth day following said affirmative vote.

SECTION 9. After one full year of implementation, the Board of Selectmen of the Town of Hamilton, after a public hearing, may vote to suspend implementation of this act for any year. Acceptance of this act by the Town of Hamilton shall automatically expire after three full

56	years of implementation,	unless reaffirmed	by the affirmative	vote of a majority	of the voters at a

57 Town Meeting, with no further action of the General Court being necessary.